

PATENT  
Attorney Docket No. 413333  
Sent Via Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |  |                  |                      |
|--------------|--|------------------|----------------------|
| Applicant(s) | Richard B. Mindlin                         | Examiner         | Chambers, Michael S. |
| Serial No.   | 10/684,609                                 | Group Art No.    | 3711                 |
| Filed        | October 14, 2003                           | Confirmation No. | 2912                 |
| For          | Method and Apparatus for Golf Instructions |                  |                      |

July 13, 2006

Mail Stop 16  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
IMPROPER CHARGE OF DEPOSIT ACCOUNT

Dear Sir:

I. REFUND REQUEST

This is a request for a refund in the amount of \$65.00, with respect to the charges to Deposit Account 12-0600, shown on the statement dated November 2005, for the above-identified patent application.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

\$65.00 for filing a Terminal Disclaimer.

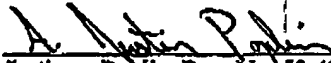
III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The charge of \$65.00 posted November 22, 2005, control number 222, appears to be duplicative of the November 22, 2005, control number 182.

IV. MANNER OF REFUND

Please make refund of \$65.00 crediting Account No. 12-0600.

Respectfully submitted,



Justin Poplin, Reg. No. 53,476

LATHROP & GAGE LC

2345 Grand Boulevard


Suite 2800

Kansas City, MO 64108

Telephone: (816) 292-2000

Facsimile: (816) 292-2001

|                                       |             |      |             |             |
|---------------------------------------|-------------|------|-------------|-------------|
| 11/16 183 5759745                     | 412753      | 2552 | \$1,150.00  | \$35,187.50 |
| 11/17 112 11273642                    | 442502      | 2011 | \$150.00    | \$35,037.50 |
| 11/17 113 11273642                    | 442502      | 2111 | \$250.00    | \$34,787.50 |
| 11/17 114 11273642                    | 442502      | 2311 | \$100.00    | \$34,687.50 |
| 11/17 115 11273642                    | 442502      | 2202 | \$50.00     | \$34,637.50 |
| 11/17 197 10043752                    | 292150      | 1501 | \$1,400.00  | \$33,237.50 |
| 11/17 198 10043752                    | 292150      | 1504 | \$300.00    | \$32,937.50 |
| 11/17 203 10658309                    |             | 2501 | \$700.00    | \$32,237.50 |
| 11/17 204 10658309                    |             | 1504 | \$300.00    | \$31,937.50 |
| 11/17 238 11273364                    | 438450      | 2011 | \$150.00    | \$31,787.50 |
| 11/17 239 11273364                    | 438450      | 2111 | \$250.00    | \$31,537.50 |
| 11/17 240 11273364                    | 438450      | 2311 | \$100.00    | \$31,437.50 |
| 11/17 241 11273364                    | 438450      | 2201 | \$200.00    | \$31,237.50 |
| 11/17 242 11273364                    | 438450      | 2202 | \$400.00    | \$30,837.50 |
| 11/17 523 2291971                     | 410339      | 7205 | \$200.00    | \$30,637.50 |
| 11/17 524 2291971                     | 410339      | 7208 | \$400.00    | \$30,237.50 |
| 11/17 542 76561011                    | 430189      | 7004 | \$150.00    | \$30,087.50 |
| 11/17 650 78755607                    | 438817      | 7001 | \$325.00    | \$29,762.50 |
| 11/17 1753 78756043                   | 434566      | 7001 | \$650.00    | \$29,112.50 |
| 11/18 1 10147833                      | 71789/47653 | 2201 | \$100.00    | \$29,012.50 |
| 11/18 13 E-REPLENISHMENT              |             | 9203 | -\$9,072.50 | \$38,085.00 |
| 11/18 145 09773303                    | 19742-001   | 2801 | \$395.00    | \$37,690.00 |
| 11/18 146 09773303                    | 19742-001   | 2253 | \$510.00    | \$37,180.00 |
| 11/21 47 6476014                      | 391729      | 2551 | \$450.00    | \$36,730.00 |
| 11/21 263 8405879                     | 365835      | 2551 | \$450.00    | \$36,280.00 |
| 11/22 7 6950483                       | 423158      | 1811 | \$100.00    | \$36,180.00 |
| 11/22 126 5313957                     | 403485      | 2553 | \$1,900.00  | \$34,280.00 |
| 11/22 182 10684609                    | 413333      | 2814 | \$65.00     | \$34,215.00 |
| duplicate of (182) 11/22 222 10684609 | 413333      | 2814 | \$65.00     | \$34,150.00 |
| 11/22 440 78758504                    |             | 7001 | \$325.00    | \$33,825.00 |
| 11/22 462 78758511                    |             | 7001 | \$325.00    | \$33,500.00 |
| 11/22 476 78758520                    |             | 7001 | \$325.00    | \$33,175.00 |
| 11/22 514 78758537                    |             | 7001 | \$325.00    | \$32,850.00 |
| 11/22 542 78758556                    |             | 7001 | \$325.00    | \$32,525.00 |
| 11/22 568 78758567                    |             | 7001 | \$325.00    | \$32,200.00 |
| 11/22 1267 78758911                   | 439504      | 7001 | \$325.00    | \$31,875.00 |
| 11/22 1592 2293773                    |             | 7205 | \$100.00    | \$31,775.00 |
| 11/22 1593 2293773                    |             | 7208 | \$100.00    | \$31,675.00 |
| 11/23 4 09505821                      | 9229/002    | 2801 | \$395.00    | \$31,280.00 |
| 11/23 5 09505821                      | 9229/002    | 2252 | \$225.00    | \$31,055.00 |
| 11/23 86 29202522                     | 420031      | 2502 | \$400.00    | \$30,655.00 |
| 11/23 87 29202522                     | 420031      | 8001 | \$30.00     | \$30,625.00 |
| 11/23 215 11283636                    | 441916      | 2011 | \$150.00    | \$30,475.00 |
| 11/23 216 11283636                    | 441916      | 2111 | \$250.00    | \$30,225.00 |
| 11/23 217 11283636                    | 441916      | 2311 | \$100.00    | \$30,125.00 |
| 11/23 218 11283636                    | 441916      | 2201 | \$200.00    | \$29,925.00 |
| 11/25 25 11283938                     | 443267      | 1011 | \$300.00    | \$29,625.00 |
| 11/25 26 11283938                     | 443267      | 1111 | \$500.00    | \$29,125.00 |

|  |                    |                     |                       |
|--|--------------------|---------------------|-----------------------|
| <b>CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8</b>  |                    |                     | <b>Matter No.</b>     |
| Applicant(s): Richard B. Mindlin   |                    |                     | 413333                |
| <b>Serial No.</b>  | <b>Filing Date</b> | <b>Examiner</b>     | <b>Group Art Unit</b> |
| 10/684,609   | October 14, 2003   | Michael S. Chambers | 3711                  |
| <b>Invention</b> <b>Method and Apparatus for Golf Instruction</b>  |                    |                     |                       |
| <p>I hereby certify that the following: Certificate of Facsimile Cover Sheet (1 page); Transmittal Form (1 page); Request for Refund Improper Charge of Deposit Account (2 pages), and Copy of Monthly Statements of Deposit Account (1 page), are being sent via facsimile transmission to (571)273-6500, c/o the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of July, 2006.</p> |                    |                     |                       |
| <div style="text-align: right;">Melissa Smith<br/>Name of Transmitter</div>  |                    |                     |                       |
| <div style="text-align: right;"><br/>Signature of Transmitter</div>  |                    |                     |                       |
| <div style="text-align: right;">(816)292-2001<br/>Facsimile No.</div>  |                    |                     |                       |

PTO/58-21 (09-04)

Approved for use through 07/31/2006, OMB 0661-0031  
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|   |                        |                      |
|---|------------------------|----------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/684,609           |
|   | Filing Date            | October 14, 2003     |
|   | First Named Inventor   | Richard B. Mindlin   |
|   | Art Unit               | 3711                 |
|   | Examiner Name          | Chambers, Michael S. |
| Total Number of Pages in This Submission  | Attorney Docket Number | 413333               |

| ENCLOSURES (check all that apply)   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input checked="" type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Facsimile Request for Refund Improper Charge of Deposit Account<br>Copy of Monthly Statement of Deposit Account |
| Remarks:  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                         |          |        |
|--|-------------------------|----------|--------|
| Firm                                       | Lathrop & Gage          |          |        |
| Signature                                  | <i>A. Justin Poplin</i> |          |        |
| Printed Name                               | Justin Poplin           |          |        |
| Date                                       | July 13, 2006           | Reg. No. | 53,478 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                      |      |               |
|---|----------------------|------|---------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                      |      |               |
| Signature   | <i>Melissa Smith</i> |      | Date          |
| Typed or printed name   | Melissa Smith        | Date | July 13, 2006 |

This collection of information is required by 37 CFR 1.4. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
415333

In re Application of: Richard B. Mindlin

Application No. 10/684,609

Filed: October 14, 2003

For: Method And Apparatus For Golf Instruction

The owner, Richard B. Mindlin of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 164 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 8,743,111. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 164 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.



11/17/2005

Signature

Date

William A. Rudy

Typed or printed name

(816) 460-5819

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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Adjustment date: 08/16/2006  
11/22/2005 HBIZINES 00000077 120600 10684609  
01 FC:2814 65.00 CR

11/22/2005 HBIZINES-00000077-120600-10684609  
01-FC:2814 65.00 CR